

Appl. No. 10/058,540
Amdt. dated October 20, 2003
Reply to Office Action of July 28, 2003

REMARKS/ARGUMENTS

Applicant notes the Examiner's allowance of amended Claims 1-11 and the Examiner's determination that the applicant's arguments were persuasive. The Examiner, however, found new grounds for rejecting Claims 12-46 based upon Rouns et al 6,588,425 in view of Lorenzen 5,730,123 and Kee 5,738,091.

Applicant believes Claims 12-46 clearly contain allowable subject matter but that the wording of Claims 12-46 are rather general. Thus, Claims 12-46 have been canceled.

Applicant has set forth new Claims 47-66 with clear and distinct language to more clearly distinguish over the prior art especially as to Rounds '425, Lorenzen '123, and Kee '091.

To begin with, Rouns' '425 co-inventor is Edward Madsen who is also the co-inventor of Crump et al U. S. Patent No. 6,277,200. Both these patents are assigned to Kimberly-Clark Worldwide, Inc. which has acquired Ballard Medical Products Company. Rouns '425 uses the same exact catheter cleaning structure as shown and claimed in the Crump '200 patent. As such, Rouns '425 suffers from all the same deficiencies as Crump et al '200 as fully described on Page 4 of the pending application.

In order to clearly portray the differences in both Rounds '425 and Crump et al '200 and the present invention, the applicant has taken key figures from Rouns '425, Crump et al '200 and the present invention and color highlighted and

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noted the significant differences in structure and function and the clear superiority of the present invention as disclosed and described in the pending application.

Referring first to Figs. 15A and 15B taken from Crump et al '200, there is shown and described in the patent flap valve 1340 (colored blue) which has catheter cleaning chamber 1320 (colored yellow) shown **behind** flap valve 1340.

In Crump et al '200, all catheter cleaning structures and functions whether termed catheter wipers or seals including the catheter cleaning flush port are located and positioned **behind or proximal** to the flap valve 1340. This is how Crump himself distinguishes over the prior art (see Crump et al Column 6, Lines 15-30).

Also positioned **behind** flap valve 1340 are flush port 1330, first wiper 1352 (colored red), and second wiper 1356 (also colored red).

Specifically, secretions in Crump et al '200 can accumulate in the frontal manifold as the catheter is retracted after suctioning the airway and can be easily re-introduced because all catheter cleaning takes place **behind** the flap valve 1340.

The deficiencies of this construction are clearly described in the present invention on Pages 4,5,6 and 16 and are compared with the superior advantages of the construction of the present invention.

Now referring to Rouns '425, Fig. 3 and 4 clearly show a virtually identical catheter cleaning structure as disclosed and described in Crump et al '200.

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Rouns '425 shows flap valve 142 (colored blue) which has catheter cleaning chamber 322 (colored yellow) shown **behind** flap valve 142. Also positioned **behind** flap valve 142 are flush port 136, first wiper 318 (colored red) and second wiper 328 (also colored red).

As can be seen, the catheter cleaning construction of Rouns '425 is identical to Crump et al '200 and as such, suffers from all the same deficiencies as Crump et al '200 described in the pending application.

By comparison, Figs. 6 and 7 taken from the pending application clearly depicts a very different catheter cleaning structure wherein isolator seal 39 (colored blue) has both catheter wiper 38 (colored red) and catheter cleaning chamber 36 (colored yellow) **in front of** isolator seal 39.

The advantages of having the cleaning chamber and catheter wiper **in front of** the isolator seal are clearly described and noted throughout the present invention.

It is hoped that the color highlighted and noted comparative figures will aid the Examiner in seeing these critical and clearly patentable differences of the at bar claims over Rouns '425 and Crump et al '200.

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Also, the applicant would also like the Examiner to refer back to the applicant's earlier response of February 13, 2003 Pages 13-17 wherein the applicant describes the differences over Iund '840. The catheter cleaning structure of both Rouns '425 and Crump et al '200 suffer from many of Iund's problems of leaving accumulated secretions within the manifold.

As to Lorenzen '123, the only seal that is used is seal 912 shown in Figs. 21 and 22 which serves to ease rotation of frontal swivel element 862 and the seal has nothing to do with catheter wiping or catheter isolation (see Lorenzen '123 Page 21 Lines 10-25).

Kee '091 only shows a one-way valve in the flush port and has no other relevant structures.

As can be seen, no combination of Rouns '425 with Lorenzen '123, or Kee '091 could arrive at the structure as set forth in new Claims 47-66.

As to the new claims, the applicant has clearly used constructive language which clearly distinguishes over Rouns, Lorenzen and Kee and is supported by the disclosure in the pending application. Specifically in independent Claim 47, the catheter cleaning chamber is set out as being located **in front of or distal of** the isolator seal as well as the catheter flush port. Further and to further clearly distinguish the claimed structure from the Iund patent, the isolator seal is stated to be operable to an open position **solely by direct contact and manual advancement of the distal tip of the catheter.**

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Claims 48-59 are dependent upon independent Claim 47 and believed allowable therewith.

Of special note are Claims 49 and 51 wherein Claim 49 has a catheter wiper as part of the cleaning chamber which must be **in front of** isolator seal per the limitation of claim 47.

Also, Claim 51 claims a catheter isolation tunnel located behind the catheter isolation seal, which means that there is a catheter cleaning chamber in front of the seal and a separate catheter isolation tunnel behind the seal. There is no such separation of a catheter cleaning chamber from a separate catheter isolation tunnel shown or described in the prior art.

Further, independent Claim 60 has language positioning the cleaning chamber and flush port in front of the isolator seal and the physical contact opening of that seal by the catheter and should be allowed for the reasons set forth with respect to Claim 47.

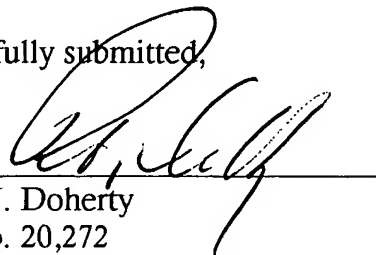
Dependent Claims 61-65 refer back to independent Claim 60.

Independent Claim 66 has language pertaining to the cleaning chamber also being located **in front of** the isolator seal.

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Favorable consideration and allowance of all the new claims at bar is warranted and requested at this time. However, if the Examiner sees language changes that he believes better define over the art relied upon, such input in the furtherance of allowance in support of the application is welcome.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Doherty', is written over a horizontal line.

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Attachments (5 pages)

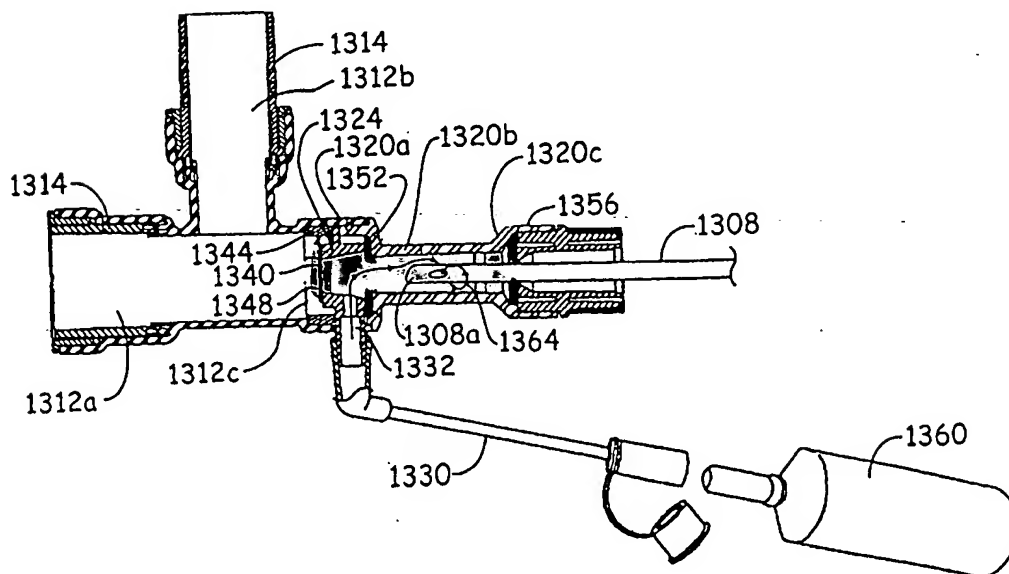
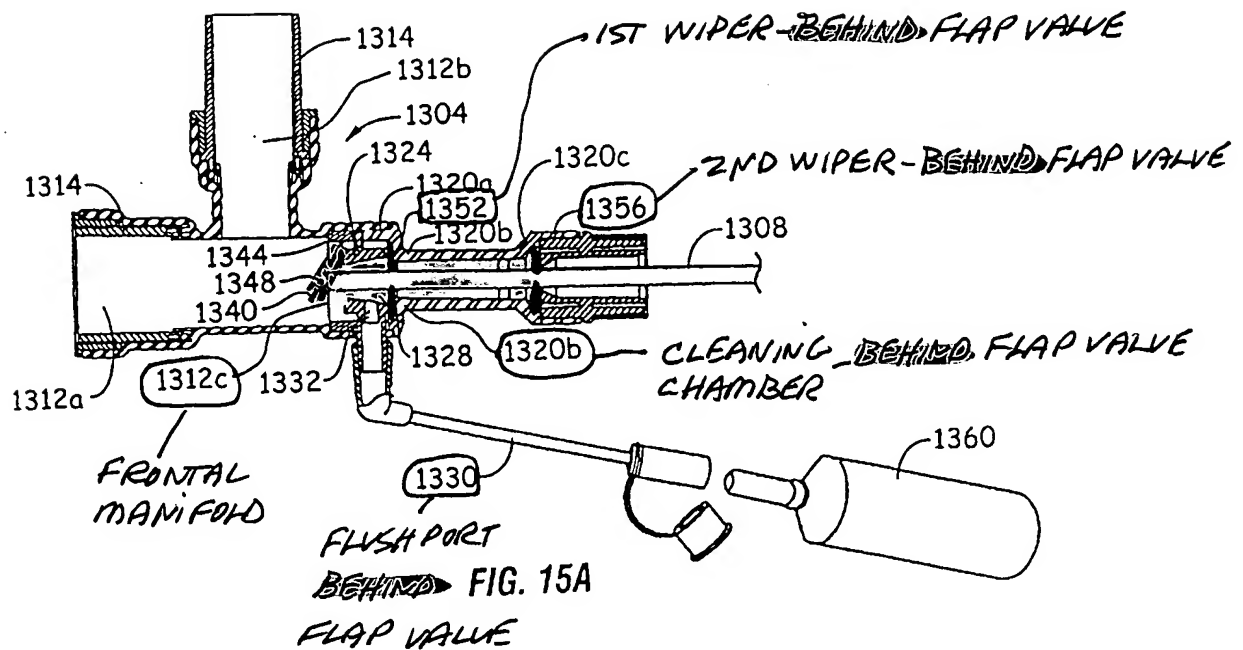


FIG. 15B

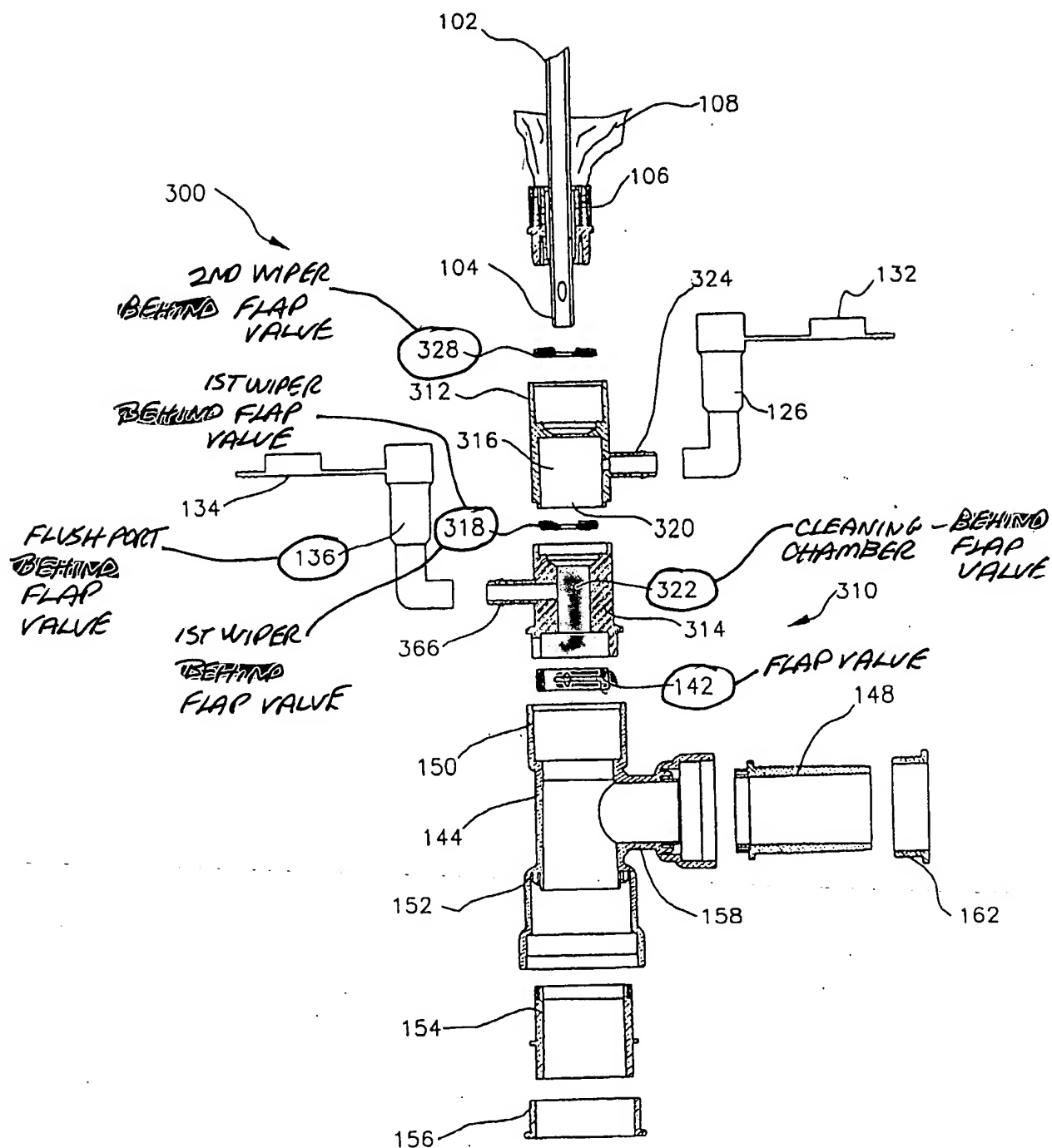


FIG. 3

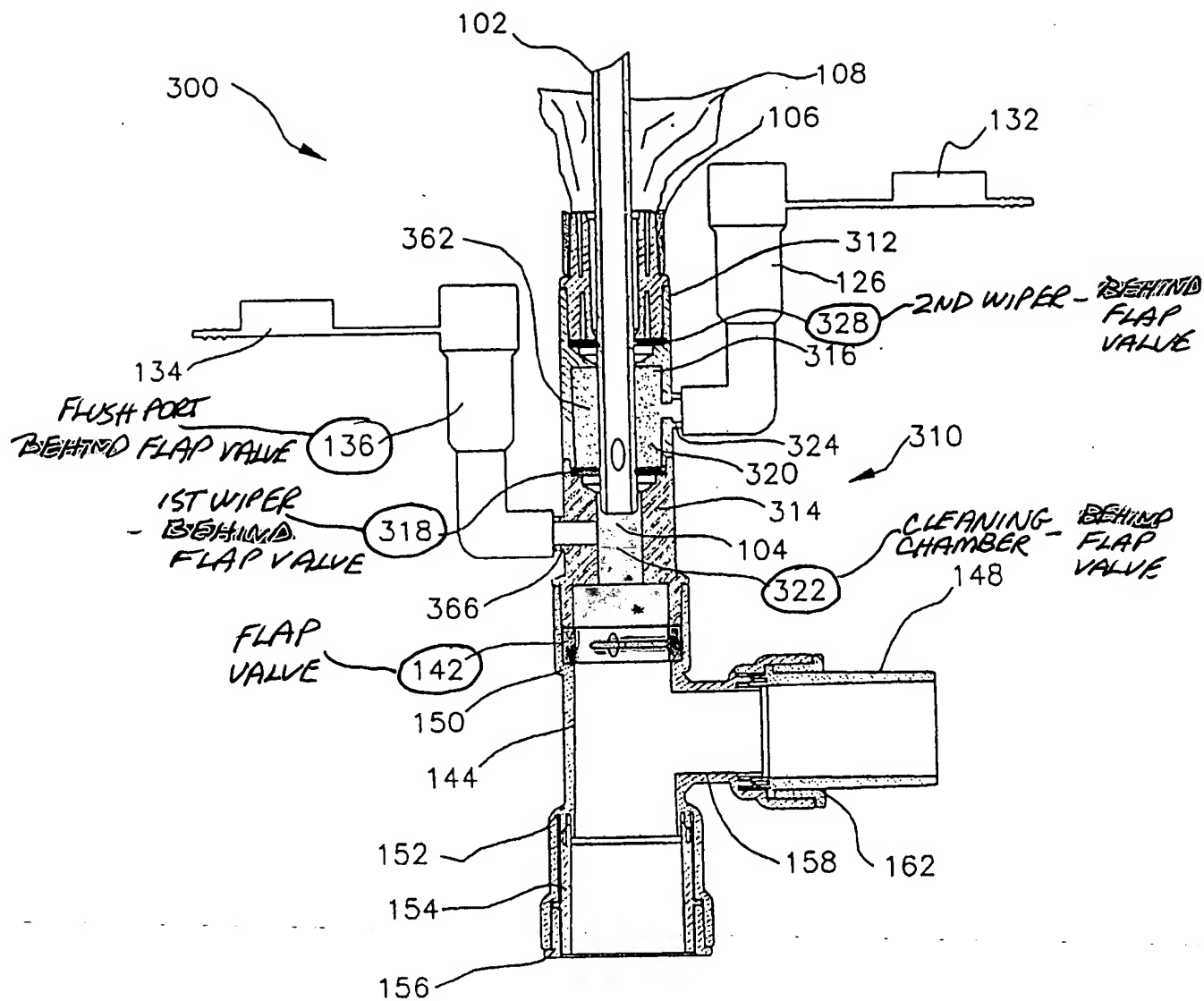


FIG. 4

FIG. 6

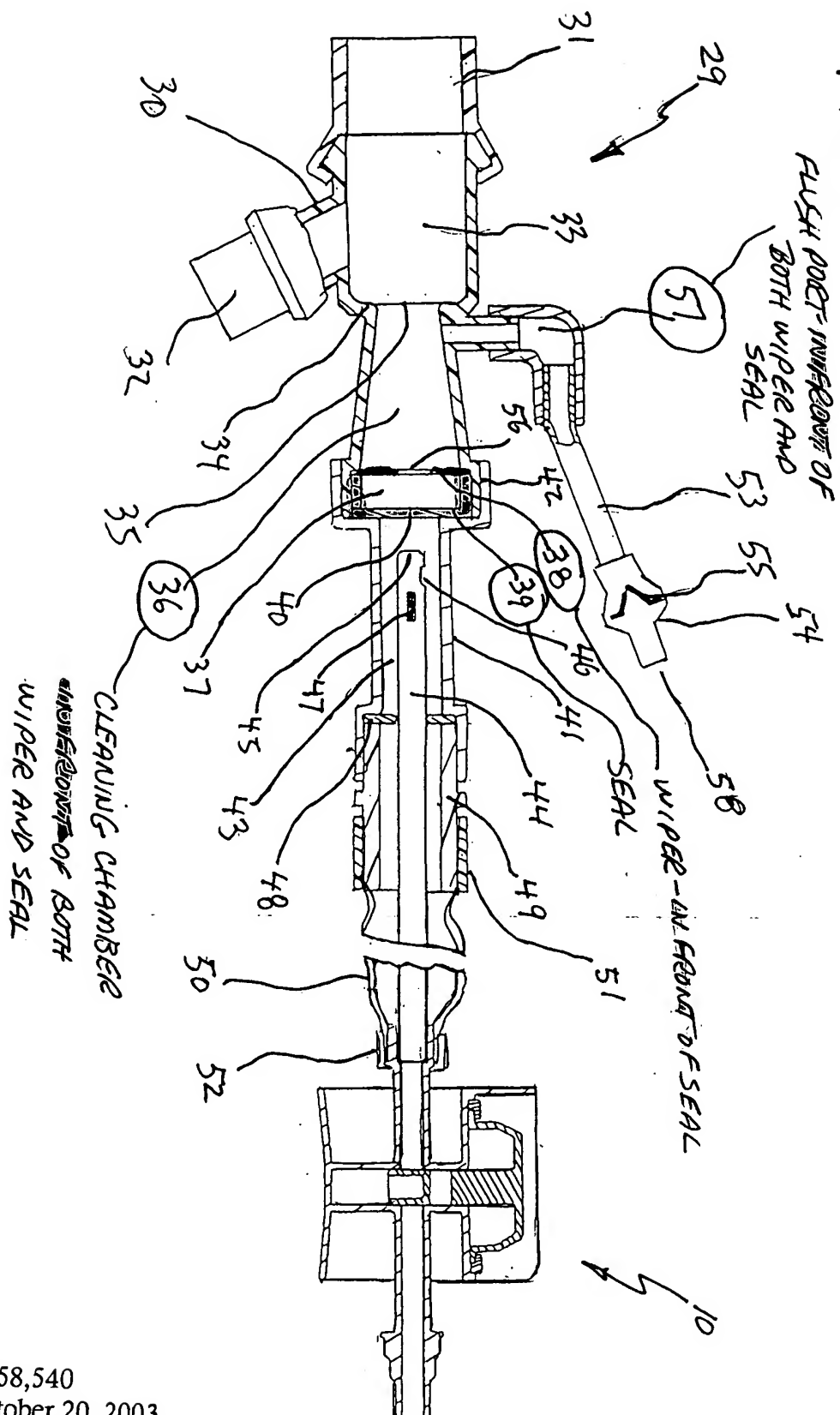


FIG. 7

FLUSH - INTERIOR OF
POCKET BOTH WIPER AND SEAL

